

FORM PTO-1083

COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, VA 22313-1450  
 Mail Stop: Missing Parts



In re application of: INUI et al.  
 Serial No.: 10/520,327  
 Filed: July 5, 2005

## For: THERAPEUTICS FOR DIABETES MELLITUS

Sir:

Transmitted herewith is an Response to Notification of Defective Response in the above-identified application.

- Small entity status under 37 C.F.R. 1.9 and 1.27 has been previously established.
- Applicants assert small entity status under 37 C.F.R. 1.9 and 1.27.
- No fee for additional claims is required.
- A filing fee for additional claims calculated as shown below, is required:

	(Col. 1)	(Col. 2)	SMALL ENTITY	LARGE ENTITY
FOR:	REMAINING	HIGHEST	I RATE	OR I RATE
AFTER	PREVIOUSLY	PRESENT		
AMENDMENT	PAID FOR	EXTRA		
TOTAL CLAIMS	* Minus**	= 0	I \$	I \$
INDEP. CLAIMS	* Minus***	= 0	I \$	I \$
[ ] FIRST PRESENTATION OF MULTIPLE DEP. CLAIMS			I + \$	I + \$
			TOTAL: \$	OR TOTAL: \$

\* If the entry in Co. 1 is less than the entry in Col. 2, write "0" in Col. 3.

\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

- Also transmitted herewith are:

- Petition for extension under 37 C.F.R. 1.136
- Other:- Declaration Pursuant to 37 C.F.R. 1.821(f)
  - Copy of the Notification of Defective Response
  - Computer readable copy of the Sequence Listing

- Check(s) in the amount of \$.00 is attached to cover:  
 Filing fee for additional claims under 37 C.F.R. 1.16  
 Petition fee for extension under 37 C.F.R. 1.136  
 Other:

- The Assistant Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0552.

- Any filing fee under 37 C.F.R. 1.16 for the presentation of additional claims which are not paid by check submitted herewith.
- Any patent application processing fees under 37 C.F.R. 1.17.
- Any petition fees for extension under 37 C.F.R. 1.136 which are not paid by check submitted herewith, and it is hereby requested that this be a petition for an automatic extension of time under 37 CFR 1.136.

Cary S. Kappel, Reg. No. 36,561  
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I hereby certify that this correspondence and/or documents referred to as attached thereto and/or fee are being deposited with the United States Postal Service as "first class mail" in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on February 3, 2006.

DAVIDSON, DAVIDSON &amp; KAPPEL, LLC

BY:

Marina Krioutchkova



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Re: Application of: Akio INUI *et al.*

Serial No.: 10/520,327

Filed: July 5, 2005

I.A. Filing Date: July 3, 2003

For: **THERAPEUTICS FOR DIABETES MELLITUS**

Mail Stop: Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

February 3, 2006

**RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE**

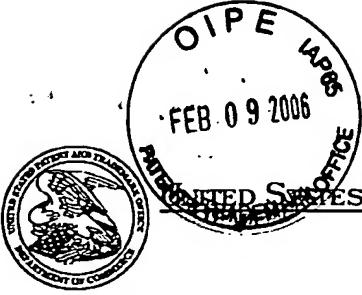
In response to the Notification of Defective Response, mailed January 26, 2006, Applicants submit herewith a copy of the Sequence Listing on computer readable format (1 compact disk) and a Declaration Pursuant to 37 C.F.R. § 1.821(f) (1 page).

A response to the January 26, 2006 Notification is due February 26, 2006. Accordingly, this response is being timely filed. Therefore, it is believed that no fees are due in connection with this response. If any fees are deemed due in connection with the filing of this response, the Commissioner is authorized to charge payment of the same to Attorney Deposit Account No. 50-0552.

Respectfully submitted,  
**DAVIDSON, DAVIDSON & KAPPEL, LLC**

By: \_\_\_\_\_  
Cary S. Kappel  
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PCT

## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/520,327	Akio Inui	480.1001

INTERNATIONAL APPLICATION NO.

PCT/JP03/08482

I.A. FILING DATE	PRIORITY DATE
07/03/2003	07/05/2002

23280  
DAVIDSON, DAVIDSON & KAPPEL, LLC  
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NEW YORK, NY 10018

RECEIVED  
JAN 30 2006

CONFIRMATION NO. 7240  
371 FORMALITIES LETTER



\*OC000000017910953\*

Date Mailed: 01/26/2006

DAVIDSON, DAVIDSON &amp; KAPPEL

## NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Priority Document
- Copy of the International Application filed on 01/05/2005
- Copy of the International Search Report filed on 01/05/2005
- Copy of IPE Report filed on 01/05/2005
- Preliminary Amendments filed on 01/05/2005
- Information Disclosure Statements filed on 05/02/2005
- Oath or Declaration filed on 10/03/2005
- Biochemical Sequence Listing filed on 01/05/2005
- Request for Immediate Examination filed on 01/05/2005
- U.S. Basic National Fees filed on 01/05/2005
- Priority Documents filed on 01/05/2005

IPM 1/30/06  
3/01/06 Missing Parts  
Sequence Listing  
(Decline)  
2/11/06  
2/15/06 Reminders  
2/22/06  
CMU/CSK

Applicant's response filed 10/03/2005 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 08/01/2005 have not been completed.

- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S.

Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).**

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice MUST be returned with the response.*

FREDERICK SMITH

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Telephone: (703) 308-9140 EXT 210

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/520,327	PCT/JP03/08482	480.1001

FORM PCT/DO/EO/916 (371 Formalities Notice)